

EXHIBIT “B”

Plaintiff’s Complaint

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CASE NO: A-22-854149-C
Department 18

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DISTRICT COURT**CLARK COUNTY, NEVADA**

FRANKIE R. PINEDA, an individual;
MICHAEL A. ABENANTE, an individual;
AMANDA ABENANTE, an individual and,
LORRAINE CINTRON, an individual;

Plaintiffs,

vs.

NEAL HAKEEN SABREE, an individual;
NICOLAS RAYGOZA, an individual; LYFT,
INC., a foreign corporation; DOES 1 through
10; ROE ENTITIES 11 through 20; and ABC
LIMITED LIABILITY COMPANIES 21
through 30,

Defendants.

CASE NO.:
DEPT NO.:

COMPLAINT

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COME NOW Plaintiffs, FRANKIE R. PINEDA, MICHAEL A. ABENANTE, AMANDA ABENANTE, and LORRAINE CINTRON, by and through their counsel, Brian D. Nettles, Esq., and Christian M. Morris, Esq., of NETTLES | MORRIS, and Christopher M. Norem, Esq. and Dennis M. Lynch, Esq. of PARENTE & NOREM, P.C. (*pro hac vice* pending), for their causes of action against Defendants, and each of them, complains and alleges as follows:

STATEMENT OF JURISDICTION AND VENUE

1. The Eighth Judicial District Court has jurisdiction over this civil tort action pursuant to NRCP 8(a)(4), NRS 13.040, and NRS 41.130 as the occurrence giving rise to this case took place in Nevada and the amount in controversy exceeds \$15,000.00.

PARTIES

2. Plaintiff FRANKIE R. PINEDA (hereinafter, "Pineda") is, and at all relevant times was, an individual residing in Cook County, Illinois.

3. Plaintiff MICHAEL A. ABENANTE (hereinafter, "Mr. Abenante") is, and at all relevant times was, an individual residing in Cook County, Illinois.

4. Plaintiff AMANDA ABENANTE (hereinafter, "Ms. Abenante") is, and at all relevant times was, an individual residing in Cook County, Illinois.

5. Plaintiff LORRAINE CINTRON (hereinafter "Cintron") is, and at all relevant times was, an individual residing in Cook County, Illinois.

6. Plaintiffs Pineda, Mr. Abante, Ms. Abante and Cintron are hereinafter collectively referred to as "Plaintiffs".

7. Upon information and belief, Defendant Nicolas Raygoza (hereinafter, "Raygoza") is, and at all relevant times was, an individual residing was a resident of Clark County, Nevada.

8. Upon information and belief, Defendant Neal Hakeem Sabree (hereinafter, "Sabree") is, and at all relevant times was, an individual residing was a resident of Clark County, Nevada.

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1 9. On information and belief, Defendant LYFT, INC. (hereinafter “Defendant Lyft”)
 2 is, and at all relevant times herein was, a foreign corporation, duly licensed under the laws of the
 3 State of Nevada and doing business in Clark County, Nevada.

4 10. The true names and capacities, whether individual, corporate, associate,
 5 governmental or otherwise, of Defendants identified herein as DOES 1 through 10, ROE
 6 ENTITIES 11 through 20, and ABC LIMITED LIABILITY COMPANIES 21 through 30,
 7 inclusive (“Doe/Roe/ABC Defendants”), are unknown to Plaintiffs at this time, who therefore
 8 sues said defendants by such fictitious names. When the true names and capacities of said
 9 Defendants have been ascertained, Plaintiffs will amend this Complaint accordingly.

10 11. Plaintiffs are informed, believe, and thereon allege that Doe/Roe/ABC Defendants
 11 participated in the ownership, maintenance, inspection, design, repair, construction, manufacture,
 12 improvement, alteration, management, control, entrustment, supervision, execution, driving,
 13 and/or operation of the vehicles and/or roads involved in this action; Doe/Roe/ABC Defendants,
 14 include, but are not limited to, owners, operators, drivers, passengers, family members, principals,
 15 mechanics, contractors, manufacturers, insurers, designers, engineers, governmental authorities,
 16 and their agents, servants, representatives, employees, partners, joint venturers, related
 17 companies, subsidiaries, parents, affiliates, predecessors, and/or successors in interest.

18 12. Plaintiffs are informed, believe, and thereon allege that Doe/Roe/ABC Defendants
 19 shall also include any other contractors, subcontractors or other individuals or entities who were
 20 agents, employees, employers, managers, officers of the named Defendants, and/or otherwise
 21 working with any of the named Defendants in any capacity at the time of the motor vehicle
 22 collision. When the true names and capacities of said persons/entities have been ascertained,
 23 Plaintiffs will amend this Complaint accordingly.

24 13. Plaintiffs are informed, believe, and thereon allege that Doe/Roe/ABC Defendants
 25 are responsible, negligently or in some other actionable manner, for the events and happenings
 26 hereinafter referred to, and caused injuries and damages proximately thereby to Plaintiffs as
 27 hereinafter alleged.
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1 14. Plaintiffs are informed, believe and thereon allege that Doe/Roe/ABC Defendants
 2 were involved in the initiation, approval, support, direction, ratification, and/or execution of the
 3 wrongful acts upon which this litigation is premised, or of similar actions against Plaintiffs of
 4 which Plaintiffs are presently unaware.

5 **FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

6 15. At all times relevant hereto and upon information and belief, Sabree was the
 7 registered owner and operator of a 2012 Ford Fusion ("Sabree's Vehicle").

8 16. At all times relevant hereto, Sabree was operating Sabree's Vehicle in his capacity
 9 as a driver for Defendant Lyft's transportation network company.

10 17. At all times relevant hereto and upon information and belief, Raygoza was the
 11 registered owner and operator of a 2015 Chrysler 300 Sedan ("Raygoza's Vehicle").

12 18. On or about August 1, 2021, Plaintiffs were the fault-free passengers in Sabree's
 13 Vehicle and engaged the transportation services of Sabree through the use of Defendant's Lyft's
 14 ride-share application. At all times relevant, Sabree's Lyft app was on and was being used to
 15 navigate the ride.

16 19. On or about August 1, 2021, Defendant Lyft had the right to control Sabree's
 17 conduct, and did control Sabree's conduct in that Lyft set driving and vehicle maintenance
 18 standards, could deactivate Sabree's account, controlled the pricing of Lyft rides, and directed
 19 how often, if at all, Sabree could refuse a trip.

20 20. On or about August 1, 2021, Defendant Sabree was the actual or apparent agent of
 21 Lyft, such that Lyft is vicariously liable for any negligent act and/or omission of Sabree.

22 21. On or about August 1, 2021, Sabree's Vehicle was traveling southbound on
 23 Paradise Road at or near its intersection with Karen Avenue in Las Vegas, Nevada, and was
 24 attempting to make a U-turn onto northbound Paradise Road.

25 22. When attempting to make the U-turn, the light for traffic controlling north and
 26 southbound Paradise Road was yellow.

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23. At the same said time and place, Raygoza was traveling northbound on Paradise Road at or near its intersection with Karen Avenue in Las Vegas, Nevada, with the intention of heading straight through the intersection.

24. At the time Raygoza's Vehicle entered the intersection of Paradise Avenue and Karen Drive, the light for traffic controlling north and southbound Paradise Road was yellow.

25. Sabree's Vehicle, in which Plaintiffs were passengers, and Raygoza's Vehicle, collided in the intersection ("Subject Collision").

26. A Las Vegas Metropolitan Police officer investigated the Subject Collision and found Defendant Raygoza to be at fault for the Subject Collision.

27. On information and belief, at the time of the Subject Collision, Sabree was operating as an employee, agent, and/or partner of Defendant Lyft, who is, therefore, jointly and severally liable with Sabree and vicariously liable for Sabree's acts or omissions.

28. As a direct and proximate result of the acts and omissions of Defendants, and each of them, Plaintiffs suffered substantial injuries to their bodies, pain and suffering, lost income and loss of consortium.

29. As a direct and proximate result of the acts or omissions of Defendants, and each of them, Plaintiffs were required to obtain medical services and treatment and may, in the future, be required to obtain additional medical services and treatment.

30. Plaintiffs have been damaged by the acts or omissions of Defendants, and each of them, in an amount in excess of \$15,000.00.

31. As a direct and proximate result of the acts or omissions of Defendants, and each of them, Plaintiffs have had to retain the services of the law offices of Nettles | Morris and the law offices of Parente & Norem, P.C. to pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.

FIRST CAUSE OF ACTION

(Negligence — Plaintiffs Against Sabree)

32. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs as though fully set forth herein and proceeds as follows:

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1 33. At the time of the Subject Collision, Sabree had a duty to exercise reasonable care
 2 for the safety of his passengers.

3 34. Notwithstanding the aforesaid duty, Sabree breached that duty in one or more of
 4 the following careless and negligent ways:

5 a) Did not keep a proper lookout;

6 b) Entered the intersection when it was unsafe to do so;

7 c) Made a U-turn in the intersection when there was conflicting traffic
 8 approaching;

9 d) Moved the vehicle from a position of safety when it was unsafe to do so;

10 e) Did not reduce speed to avoid a collision; and,

11 f) Was otherwise careless and negligent.

12 35. At all times relevant hereto, there were in effect statutes, ordinances, and
 13 regulations prohibiting the conduct exhibited by Sabree.

14 36. Pursuant to NRS 484B.403, it is unlawful for a driver to perform a U-turn on a
 15 road unless such movement can be made safely.

16 37. Plaintiffs belong to the class of persons that NRS 484B.403 was intended to
 17 protect.

18 38. Plaintiffs sustained injuries of the type that said statutes, ordinances, and
 19 regulations were intended to prevent.

20 39. Upon information and belief, at the time of the Subject Collision, Sabree violated
 21 NRS 484B.403 when he performed a U-turn on a yellow light as Raygoza's Vehicle crossed the
 22 intersection of Paradise Road and Karen Avenue.

23 40. Under the doctrine of *Negligence Per Se*, Sabree's violation of NRS 484B.403
 24 constitutes a breach of a duty owed by Sabree to Plaintiffs.

25 41. Sabree's violation of NRS 484B.403 was the legal and proximate cause of
 26 Plaintiffs' injuries.

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1 42. As a direct and proximate result of one or more of the foregoing negligent acts
 2 and/or omissions, the vehicle operated by Sabree, in which Plaintiffs were passengers, collided
 3 with the vehicle operated by Raygoza in the intersection.

4 43. As a direct and proximate result of the negligence of the Sabree, Plaintiffs,
 5 sustained personal injuries of a pecuniary and lasting nature. They have incurred and endured
 6 medical bills, lost wages and benefits, pain, suffering, emotional distress, disability, disfigurement
 7 and loss of a normal life and will continue to incur and endure the same in the future.

8 44. Plaintiffs have been damaged by the acts and omissions of Sabree in an amount in
 9 excess of \$15,000.00.

10 45. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff
 11 has had to retain the services of Nettles | Morris and the law offices of Parente & Norem, P.C. to
 12 pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred
 13 herein.

SECOND CAUSE OF ACTION

(Respondeat Superior — Plaintiffs Against Lyft, Inc. and/or Doe/Roe/ABC)

14 46. Plaintiffs repeat and re-allege each and every allegation contained in the preceding
 15 paragraphs as though fully set forth herein and proceed as follows:

16 47. Upon information and belief, Sabree was an employee and/or agent of Defendant
 17 Lyft, and, at the time of the Subject Collision described herein, was operating his vehicle within
 18 the course and scope of his employment.

19 48. Defendant Lyft owed Plaintiffs a duty by and through its duly authorized officers,
 20 employees, and actual or apparent agents, including but not limited to Sabree, to exercise
 21 reasonable care for the safety of others, including the Plaintiffs.

22 49. Notwithstanding the aforesaid duty, Defendant Lyft, by and through its duly
 23 authorized actual or apparent agent, Sabree, carelessly and negligently breached that duty in one
 24 or more of the following ways:

- 25 a) Did not keep a proper lookout;
- 26 b) Entered the intersection when it was unsafe to do so;

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1 c) Made a U-turn in the intersection when there was conflicting traffic
 2 approaching;

3 d) Moved the vehicle from a position of safety when it was unsafe to do so;

4 e) Did not reduce speed to avoid a collision; and,

5 f) Was otherwise careless and negligent.

6 50. As a direct and proximate result of one or more of the foregoing negligent acts
 7 and/or omissions, the vehicle operated by Sabree, in which Plaintiffs were passengers, collided
 8 with the vehicle operated by Raygoza in the intersection.

9 51. As a direct and proximate result of the negligence of the Sabree, Plaintiffs
 10 sustained personal injuries of a pecuniary and lasting nature. They have incurred and endured
 11 medical bills, lost wages and benefits, pain, suffering, emotional distress, disability, disfigurement
 12 and loss of a normal life and will continue to incur and endure the same in the future.

13 51. The liability of Sabree to Plaintiffs for damages sustained in the Subject Collision
 14 described herein is fully and wholly imputed to Defendant Lyft and/or Doe/Roe/ABC employing
 15 Sabree pursuant to the doctrine of respondeat superior.

16 53. Plaintiffs have been damaged by the acts and omissions of Sabree in an amount in
 17 excess of \$15,000.00.

18 54. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff
 19 has had to retain the services of Nettles | Morris and the law offices of Parente & Norem, P.C. to
 20 pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred
 21 herein.

22 **THIRD CAUSE OF ACTION**

23 **(Negligent Hiring, Training, Retention, and/or Supervision — Plaintiffs Against Lyft, Inc.**
 24 **and/or Doe/Roe/ABC)**

25
 26 55. Plaintiffs repeat and re-allege each and every allegation contained in the preceding
 27 paragraphs as though fully set forth herein and proceed as follows:
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1 56. Defendant Lyft and/or Doe/Roe/ABC owed a non-delegable duty to Plaintiffs to
 2 exercise due care in the selection, training, oversight, direction, retention, and control of their
 3 employees/agents/contractors, including Sabree.

4 57. Defendant Lyft and/or Doe/Roe/ABC breached the non-delegable duty to
 5 Plaintiffs by failing to properly select, train, oversee, direct, retain, control, and supervise Sabree.

6 58. Breach of these duties by Defendant Lyft and/or Doe/Roe/ABC was the legal and
 7 proximate cause of Plaintiffs' damages.

8 59. As a direct and proximate result of the actions or omissions of Defendant Lyft
 9 and/or Doe/Roe/ABC, Plaintiffs suffered serious personal injury.

10 60. As a direct and proximate result of the acts and omissions of Lyft, Inc. and/or
 11 Doe/Roe/ABC, Plaintiffs were required to obtain medical services and treatment and incurred
 12 expenses.

13 61. Plaintiffs have been damaged by the negligence of Defendant Lyft and/or
 14 Doe/Roe/ABC in an amount in excess of \$15,000.00.

15 62. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff
 16 has had to retain the services of Nettles | Morris and the law offices of Parente & Norem, P.C. to
 17 pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred
 18 herein.

19 **FOURTH CAUSE OF ACTION**

20 **(Negligence — Plaintiffs Against Raygoza)**

21 63. Plaintiffs repeat and re-allege each and every allegation contained in the preceding
 22 paragraphs as though fully set forth herein and proceed as follows:

23 64. At the time of the Subject Collision, Raygoza had a duty to exercise reasonable
 24 care for the safety of other motorists, including Plaintiffs.

25 65. Notwithstanding the aforesaid duty, Raygoza breached that duty in one or more of
 26 the following careless and negligent ways:

- 27 a) Did not keep a proper lookout;
- 28 b) Entered the intersection when it was unsafe to do so;

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- c) Operated his vehicle while under the influence of alcohol;
- d) Moved the vehicle from a position of safety when it was unsafe to do so;
- e) Operated his vehicle at an excessive rate of speed;
- f) Did not reduce speed to avoid a collision; and,
- g) Was otherwise careless and negligent.

66. At all times relevant hereto, there were in effect statutes, ordinances, and regulations prohibiting the conduct exhibited by Raygoza.

67. Pursuant to NRS 484B.250, it is unlawful for a driver to enter an intersection without yielding right-of-way to a vehicle which has already entered the intersection.

68. Plaintiffs belong to the class of persons that NRS 484B.250 was intended to protect.

69. Plaintiffs sustained injuries of the type that said statutes, ordinances, and regulations were intended to prevent.

70. Upon information and belief, at the time of the Subject Collision, Raygoza violated NRS 484B.250 when he crossed the intersection of Paradise Road and Karen Avenue on a yellow light as Sabree's Vehicle made a U-turn at the aforementioned intersection.

71. Under the doctrine of *Negligence Per Se*, Raygoza's violation of NRS 484B.250 constitutes a breach of a duty owed by Raygoza to Plaintiffs.

72. Raygoza's violation of NRS 484B.250 was the legal and proximate cause of Plaintiffs' injuries.

73. As a direct and proximate result of one or more of the foregoing negligent acts and/or omissions, the vehicle operated by Sabree, in which Plaintiffs were passengers, collided with the vehicle operated by Raygoza in the intersection.

74. As a direct and proximate result of the negligence of Raygoza, Plaintiffs sustained personal injuries of a pecuniary and lasting nature. They have incurred and endured medical bills, lost wages and benefits, pain, suffering, emotional distress, disability, disfigurement and loss of a normal life and will continue to incur and endure the same in the future.

76. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff has had to retain the services of Nettles | Morris and the law offices of Parente & Norem, P.C. to pursue this action and is entitled to recover costs of suit and reasonable attorney's fees incurred herein.

(Loss of Consortium — Mr. Abenante Against Sabree, Lyft and Raygoza)

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WHEREFORE, Plaintiffs, expressly reserving the right to amend this Complaint at the time of trial of the actions herein to include all items of damages not yet ascertained, demand judgment against Defendants, and each of them, as follows:

1. For general and special damages in excess of \$15,000.00;
2. For past and future medical expenses in a sum to be determined at trial;
3. For general damages for pain, suffering, mental distress, anguish and fear, to be determined at trial;
4. For general damages for Plaintiff Abenante's loss of consortium;
5. For past and future loss of earnings, to be determined at trial;
6. For any and all pre- and post- judgment interest allowed under the law;
7. For reasonable attorney's fees plus costs of suit; and
8. For such other and further relief as the court may deem just and proper.

Dated this 15th day of June, 2022.

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